

**TOWN OF BALDWIN
TOWN BOARD MEETING
MAY 8, 2019**

THIS REGULAR MEETING of the Town of Baldwin was called to order at approximately 6:17 p.m. by Supervisor Purvis. Those present were Councilman Sherwood, Councilman Steiner and Councilwoman Purvis. Councilman Collins was absent

Also present were Faith Marmor, Paul Tillotson, Ana Pirro, Robin Rosekrans, Leon Tuttle, Lee Haefele, Christopher Denton, Esq., Bud Hall, Beth Ruggerio, Ashur Terwilliger, Sherrill Collins and Joshua Shapiro.

PUBLIC COMMENTS

No public comments were made.

COUNTY LEGISLATURE

There was no County Legislature report.

MINUTES

A Motion was made to accept the April 10, 2019 Town Board Meeting Minutes by Councilman Steiner, seconded by Councilman Sherwood, All Ayes.

TOWN OF BALDWIN
INCOME AND EXPENDITURES

APRIL 2019

INCOME:

GENERAL FUND	\$ 575.73
HIGHWAY FUND	<u>\$ 1.89</u>
TOTAL	\$ 577.62

EXPENDITURES:

GENERAL FUND	\$ 10,612.90
HIGHWAY FUND	\$ 24,924.32
TRUST AND AGENCY	<u>\$ 926.02</u>
TOTAL	\$ 36,463.24

TOWN CLERK'S MONTHLY REPORT

TOWN OF BALDWIN, NEW YORK

APRIL, 2019

TO THE SUPERVISOR:

PAGE 1

Pursuant to Section 27, Subd 1 of the Town Law, I hereby make the following statement of all fees and moneys received by me in connection with my office during the month stated above, excepting only such fees and moneys the application and payment of which are otherwise provided for by Law:

A2544	<u>15</u>	DOG LICENSES	<u>100.00</u>	
		TOTAL A2544		100.00
A2555	<u>1</u>	BUILDING PERMITS	<u>15.00</u>	
		TOTAL A2555		15.00

\$115.00

HIGHWAY REPORT

Paul Tillotson reported that the Highway Department has been ditching throughout the town: Ridge Road, Hammond Hill, half of Joe Green, Brown Road, Decker and Nixon. They have graded Decker and Nixon, Lathrope, Turner and Ridge Road.

The Highway Department went to the 811 Class Dig Safe New York on Monday, April 29, 2019.

They have put some blocks in at Elston Hollow Bridge where water was washed out, to help save the road.

They have been working on the Grover Road bridge project with Frontier, NYSEG, Soil & Water and Silverline Construction. Paul Tillotson requested that the Grover Road matter be talked more after the meeting.

Chips this year totals \$90,237.10, Paving NY totals \$20,597.52, and the rollover balance is \$49,899.47, for a total of chips money this year in the amount \$160,734.09.

Paul Tillotson asked the Town Board's permission to go ahead and purchase materials for chips' projects this year when he needs them. Councilman Sherwood asked if this had anything to do with the Grover Road project that was going to be discussed later on, to which Paul Tillotson replied "a little bit." The Board agreed to wait on this matter until further discussion after the meeting.

Paul Tillotson asked the Town Board's permission to be able to put dust control down when ready. A Motion was made in the form of a **Resolution No. 29-2019 (5R-2019)** to allow Paul Tillotson to purchase calcium for dust control, by Councilman Sherwood, seconded by Councilwoman Purvis, All Ayes.

Paul Tillotson asked the Board to allow him to purchase another 500 tons of Item 4. A Motion was made in the form of a **Resolution No. 30-2019 (5R2-2019)** to allow Paul Tillotson to purchase 500 tons of Item 4, by Councilman Steiner, seconded by Councilman Sherwood, All Ayes.

Paul Tillotson stated that the smoke alarms and carbon dioxide detectors that went into the Town Hall since the building has been in existence, have failed. The Town does not have to them in the Town Hall due to the Fire System in the building. The Board felt it was not necessary to keep the smoke alarms and carbon dioxide detectors in the Town Hall due to the Fire System currently established in the Town Hall.

PUBLIC WELFARE AND SAFETY COMMITTEE REPORT

No report was given.

COMMUNITY APPRECIATION AND DEVELOPMENT REPORT

Councilman Sherwood stated that as far as the information going out to townspeople, they are working on getting a website up and running, and working with a fellow that does the Town of Erin's website. Hopefully, sooner rather than later, permit fees and Zoning Laws will be posted, along with Minutes and maybe even Agendas down the road, allowing people to have more meeting access before a Meeting.

CITIZEN APPRECIATION REPORT

No report was given.

DOG CONTROL REPORT

No report was given.

TOWN OF BALDWIN
CODE ENFORCEMENT OFFICE
622 BRESSPORT, N CHEMUNG RD.
LOWMAN, N.Y. 14861
MONTHLY REPORT FOR April 2019

PERMITS ISSUED: 3

PERMITS DENIED:

FEES RECEIVED: 76

COMPLAINTS: 2

FOLLOW UP ON COMPLAINTS: 2

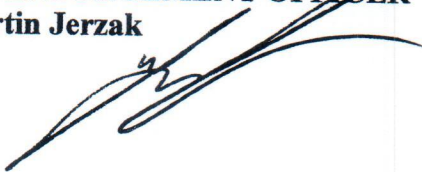
VIOLATIONS ISSUED: 0

TICKETS ISSUED: 0

CERTIFICATION OF OCCUPANCY/ COMPLETION : 1

INSPECTIONS : 1

CODE ENFORCEMENT OFFICER
Martin Jerzak



NOTE : ALL PERMITS WILL BE HANDED OUT IN OFFICE

Town of Baldwin Assessor Report

Date: 5/8/2019

Change notices and exemption removal notices have been mailed out before May 1, 2019

Had 1 property owner request a formal grievance application and I mailed it to him. I also included valid sale list as well.

One property owner is going to meet with me to go over their formal grievance application. They just recently purchased a property in Baldwin.

Working on monthly sales transfers

During the last month, I had several people call asking questions regarding their exemptions.

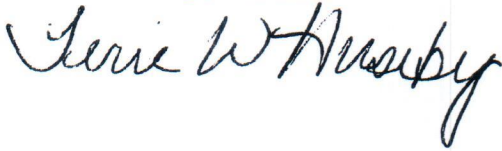
No formal grievances have been submitted into my office as of 5/8/2019.

Formal grievance is 6/6/2019 4:00pm – 8:00pm

Valid Sales are available to review at Faith's desk along with the 2019 tentative roll.

Tax Maps have been updated as of 3/1/2019 and are hanging in the assessor/code officer office.

Terie Huseby, Assessor

A handwritten signature in cursive script that reads "Terie W. Huseby". The signature is written in black ink and is positioned below the typed name.

OLD BUSINESS

SECTION 174, NO. 7 OF THE FIRE DISTRICT OFFICERS LAW - Supervisor Purvis asked Mr. Denton to review the paperwork and give the Board his opinion on what this covers as there was a question/concern brought that there is a conflict of interest between people serving in the Fire District and serving on the Town, and the Board needs clarification. Attorney Denton asked what the two offices that are in conflict? The positions are Chief and Assistant Chief and Town Board Member, two members. Attorney Denton will review the paperwork and get back to Supervisor Purvis on this matter.

This matter was tabled to the June 2019 Town Board Meeting.

SOLAR ORDINANCE AMENDMENT ADOPTION - A Motion was made in the form of **Local Law No. 1-2019** and by **Resolution No. 31-2019 (5R3-2019)** to adopt the Amended Zoning Ordinance, Article 11.21 - Solar Energy Systems and Solar Access, effective July 5, 2019, by Councilman Sherwood, seconded by Councilman Steiner, All Ayes.

AMENDMENT TO RESOLUTION NO. 24-1994 - PERMIT FEES - *This matter was tabled to the June 2019 Town Board Meeting.*

INDEPENDENT AUDIT - Supervisor Purvis asked Attorney Denton his recommendation/opinion concerning the Town looking to have an independent audit. Councilman Sherwood stated that the concern was interest in self-housekeeping as the Town is six to seven years behind on the yearly Financial Reports to the State and also currently the Bookkeeper and Budget Officer are the same entity. The Town would like some clarification as far as making sure budgeting processes are accurate and the Town is not legally ignorant.

This matter was tabled to the June 2019 Town Board Meeting.

BAR MEMBER POSITION - Supervisor Purvis stated that one person said they would be getting back to him on this position, he is still waiting to hear back from that individual. The Assessment Review Board is before the next meeting, and Supervisor Purvis asked the Board that if he hears back from someone regarding this position if he could call Board Members to fill the position. Councilman Steiner asked if someone is interested and takes the position, is there enough time to get them in school. Supervisor Purvis stated that they hoped they could get someone to fill this position before the schooling. Should someone contact Supervisor Purvis for this position, he will get in touch with Board Members.

This matter was tabled to the June 2019 Town Board Meeting for any formal appointment.

TOWN WEBSITE - The Board approved the website name of TOBaldwin.com. There was question by Attorney Denton as to the security for this website. Faith Marmor will forward this concern of security protocol to Brad Zehr for follow up with Attorney Denton.

This matter was tabled to the June 2019 Town Board Meeting for any developments.

TOWN ATTORNEY - Christopher Denton spoke to the Board regarding his years of experience and expertise areas of practice, namely 40 years of being an attorney and practices in Real Property, Energy Law, Solar, Winds, Oil & Gas, Corporations, Trusts and Estates, Non for Profit Organizations, some Zoning, Logging Law for landowners, and Municipal Law for clients who are not municipalities (practice before Boards, etc.). Supervisor Purvis discussed pay with Attorney Denton, and Mr. Denton is willing to go with the \$150.00 per hour, the same as the previous attorney did. Councilman Sherwood asked if any other attorneys were contacted for this position and Supervisor Purvis commented that he contacted Scott Moore and Kimberly Middaugh and received no returned call from Ms. Middaugh. Councilman Sherwood asked Attorney Denton if when speaking to the Board, if he would favor what they need to hear versus what they want to hear even if it is a hard truth, and Attorney Denton replied that his problem might be that he tells the Board what they do not want to hear - part of the reason he does not represent certain types of clients is because they want him to say certain things and when he does not, they hire someone who will. He does not work for the County, does not have a Government job, has no side job with the Government, this is an hourly thing. He is not on a payroll or pension plan, and has survived quite nicely as an independent, staying away from a party gives you a better balance.

A Motion was made in the form of a **Resolution No. 32-2019 (5R4-2019)**, to appoint and retain Christopher Denton as the Town Attorney replacement for John Mustico, effective 05/08/2019, on an hourly basis of \$150.00 per hour, by Supervisor Purvis, seconded by Councilman Steiner, All Ayes.

HAEFELE TV - Lee Haefele stated that Phase III of the Grant has been reactivated and they have started working on getting pole permits. The franchise (contract) needs to be signed. He thought there were some changes the Board was requesting a few months ago. Supervisor Purvis stated that it had to do with figuring out the service availability formula and that this was a suggestion/question by the Public Service Commission. The completion for the project is still saying the end of the year, but Mr. Haefele stated that this is not practical, some areas will be finished. The biggest variable is getting on the poles. Councilman Sherwood asked if it would help at all having contact from either OMara or Reed's Office? Mr. Haefele stated that the grant authority is pretty non-political and keeps it all right there. There were several questions by Attorney Denton to Lee Haefele concerning the contract and Mr. Denton stated there were issues with the contract that he would like to discuss with the Board. He would recommend not approving the contract tonight if that was on the Board's agenda. The Board agreed to have Attorney Denton review the contract over the week/weekend, with Mr. Denton getting back to the Board with his concerns/thoughts by Monday, however the Board did accept/approve the franchise contract with Haefele TV. Faith Marmor will forward emails from the Public Service Commission to Attorney Denton concerning things that need to be completed by an attorney in this matter. Mr. Haefele will need a number of signed copies. He requested that the contract which Supervisor Purvis has scanned over to them, to be sure they have the exact correct contract. Supervisor Purvis stated that they would make arrangements to have the contract signed and notarized.

A Motion was made in the form of a **Resolution No. 33-2019 (5R5-2019)** to approve and accept the Franchise Contract between Haefele TV and the Town of Baldwin, by Councilman Sherwood, seconded by Councilman Steiner, All Ayes.

NEW BUSINESS

PARK STATION 2019 PASSES - A Motion was made in the form of a **Resolution No. 34-2019 (5R6-2019)** to approve Park Station passes for the year 2019, by Councilman Sherwood, seconded by Councilwoman Purvis, All Ayes.

ASSESSOR CELL PHONE VOUCHER - Supervisor explained the situation to Attorney Denton. Attorney Denton will look into this matter and advise the Board. Faith Marmor will forward the 2019 Budget and 2019 Organizational Meeting Minutes to Attorney Denton per his request.

This matter was tabled to the June 2019 Town Board Meeting.

COURT CONSOLIDATION - A few months ago Supervisor Purvis brought the possibility to the Board of the Town consolidating their Court. Supervisor Purvis stated he was interested in the procedure that brings it to the people for a vote, for the final step it has to be approved by the voters. If the Town was going to pursue this, this is the procedure that he would want to pursue because the voters would have the say on what takes place. Supervisor Purvis stated that the Town has had an issue with trying to get someone to run as Town Justice. The Town has a Justice that is appointed by the State instead of voted on by the voters. He is looking to bring this around in a way that the voters will always be able to have a say in it.

Joshua Shapiro, Special Counsel for the Town and Village Courts for the Sixth Judicial District, explained the process of court consolidation. Handouts were given to the Board concerning the same. The Town of Baldwin is one of the towns that does not have an elected Judge and the Town of Baldwin is going on five years now without an elected Judge because no one has run. This appointment of a Judge by the State is supposed to be a short-term service/basis. Towns are responsible for providing judicial services to their residents. Given that no one is running and a Judge just keeps getting appointed, one mechanism available to towns is consolidation of Court. A town always has to have court services and it always has to be an elected Judge who is elected in part from our town. If the Town of Baldwin did want to pursue some sort of court consolidation, the format would be to go down to a single court and a single judge, consolidating with one or more towns in neighboring jurisdictions. That Judge would still singly be elected from that residence of the Town of Baldwin and the Town consolidated with. There can be multiple towns that consolidate. There may be a mechanism where the Town Supervisors of Ashland, Chemung, Baldwin and Erin get together and see if some or all want to consolidate. What it would look like depends on the Town of Baldwin and respective towns. You do not have to have one Judge or one Court facility. The Town of Baldwin would retain all the cases that happen out of the Town of Baldwin and monies for those tickets, etc. This would just give a Judge who could sit in, essentially multiple courts or one location that handles multiple locations, the jurisdiction to handle it. The steps for undertaking this were provided in a handout and discussed briefly. As a general rule, there will be some sort of savings. The Towns want to be sure not to abolish any current sitting Judge's term in the middle of their term. A lengthy period of questions and answers was had by those in attendance.

This matter was tabled to the June 2019 Town Board Meeting.

PAYMENT OF BILLS - A Motion was made to pay the bills by Councilman Steiner, seconded by Councilwoman Purvis, All Ayes.

EXECUTIVE SESSION

A Motion was made to go into Executive Session by Supervisor Purvis, seconded by Councilman Sherwood, All Ayes.

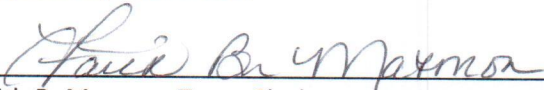
A Motion was made to go out of Executive Session by Supervisor Purvis, seconded by Councilman Sherwood, All Ayes.

ADJOURNMENT

A Motion was made to adjourn the meeting by Supervisor Purvis, seconded by Councilman Steiner, All Ayes.

THE NEXT MONTHLY BOARD MEETING WILL BE HELD ON JUNE 12, 2019 AT 6:00 P.M.

Respectfully Submitted,



Faith B. Marmor, Town Clerk